

"(d)(1) Any remuneration received by a public broadcast station as a result of offerings which are authorized in this section shall not be considered to be non-Federal financial support for purposes of section 396(k)(7).

"(2) For purposes of paragraph (1), the broadcasting of any announcement by a public broadcast station which includes the use of any business or institutional logo-gram (as defined in section 399A(a)) shall be considered to be the provision of a service for which remuneration is received."

STUDY REGARDING ADDITIONAL REVENUE SOURCES

Sec. 10. (a) The Corporation for Public Broadcasting (hereinafter in this section referred to as the "Corporation") shall conduct a study regarding options which may be available to public telecommunications entities, the Public Broadcasting Service, and National Public Radio with respect to the development of sources of revenue in addition to the sources of revenue available to such entities and organizations on the date of the enactment of this Act.

(b) The Corporation shall conduct the study required in subsection (a) in consultation with public telecommunications entities, the Public Broadcasting Service, and National Public Radio.

(c) The Corporation shall submit a report to the Congress containing the results of the study required in subsection (a) not later than 6 months after the date of the enactment of this Act. Such report shall include an evaluation of each option with respect to the development of additional sources of revenue, and shall include recommendations for such legislative or other action as the Corporation considers necessary or appropriate.◊

INTRODUCTION OF THE FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1981 AND THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) AUTHORIZATION

(Mr. WIRTH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

◊ Mr. WIRTH. Mr. Speaker, I am today introducing two pieces of legislation that I believe will increase the ability of Congress to conduct effective oversight of Government agencies and help reduce the Federal deficit.

The first bill is entitled the Federal Communications Commission Authorization Act of 1981. It will:

Authorize appropriations for the Federal Communications Commission in the amount of \$77,351,000 for fiscal year 1982;

Direct the FCC to impose fees on any person regulated by the Commission under the Communications Act of 1934. Fees imposed by the Commission may not exceed 50 percent of the amount appropriated by the Congress and are to be deposited in the general fund of the Treasury of the United States. Fees imposed by the Commission must be based on costs incurred by the Commission as a result of processing licenses and similar applications. Fees may also be based on any costs incurred by the Commission

which are directly or indirectly attributable to the regulation it performs;

Enable the FCC to waive fees for governmental entities, public telecommunications entities, and noncommercial users of the spectrum. Fees of less than \$100 may also be waived; and

Direct the FCC to develop appropriate fee schedules not later than 90 days after the date of enactment.

I believe that the provision empowering the FCC to collect fees covering the cost of regulation, which will be given to the Treasury Department, is a particularly significant feature of the bill. It is appropriate that beneficiaries of Federal services and regulations assume these costs.

The second bill authorizes appropriations for the National Telecommunications and Information Administration (NTIA) of the Department of Commerce at \$16,467,000 for fiscal year 1982.

Both the FCC authorization bill and the NTIA authorization bill provide additional sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1982.

These two bills provide Congress with new and additional tools to help it carry out its oversight responsibilities, as well as help foster a closer and more responsive relationship with these agencies. I am certain that this cannot help but lead to increasingly sound telecommunications policy development.

Senators PACKWOOD and GOLDWATER have introduced similar measures in the Senate, and so I expect this legislation to move rapidly through the Congress.◊

SPEECH OF HON. CARLOS ROMERO-BARCELÓ, GOVERNOR OF PUERTO RICO BEFORE THE ATLANTIC INSTITUTE FOR INTERNATIONAL RELATIONS

(Mr. CORRADA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

◊ Mr. CORRADA. Mr. Speaker, recently the Governor of Puerto Rico, Hon. Carlos Romero-Barceló, traveled to Europe on official business. During a visit to Paris, he spoke before the Atlantic Institute for International Relations.

The theme of his address was an overview of the situation in the Caribbean and Central America in light of the threats posed by Communist activists in the area. In view of the vital interests of the United States in the area and of Puerto Rico's key geographic position as representative of our Nation within the region, I am pleased to include Governor Romero-Barceló remarks and I urge all my colleagues to give them serious consideration:

AN ADDRESS BY HON. CARLOS ROMERO-BARCELÓ

Members, Friends, and Honored Guests of the Atlantic Institute For International Relations:

It is a pleasure to be in Paris, and it is a privilege to have been invited to address this distinguished audience.

Being here at the time of the upcoming presidential election makes me feel at home.

The reason I feel so much at home is that politics is our principal pastime in Puerto Rico, even though we hold general elections only once every four years.

The topic I have chosen to discuss today is one which poses an enormous challenge to free peoples everywhere.

I refer to what I truly believe can best be characterized as Soviet Imperialism, a unique and largely unrecognized war of conquest which began almost before the Second World War had ended, and which has been escalating steadily and sometimes almost imperceptibly ever since.

The Soviet war of conquest is being waged with enormous patience but with fierce determination. It is being waged ruthlessly but cautiously. And thus far, it is a war which the aggressor, despite occasional significant setbacks, is showing no signs of losing.

Much has been said and much has been written about the Soviet Union's quest for world domination. The constraints on her capacity for sustained aggression have been cited again and again: among others, these include social tensions within her own borders; a stumbling economy; the threat of rebellion in her satellite states; the menace of China to the east; and the nuclear arsenals of the United States and her allies to the west.

All of these constraints are real. Together, they account for the bizarre and almost invisible form in which their war of conquest is being conducted.

Overt aggression by Soviet military forces is kept to an absolute minimum. But covert aggression and aggression by proxy are going on almost everywhere, in combination with an all-out Soviet drive to achieve clear superiority in the development and deployment of weapons of mass destruction.

In addressing this subject, I cannot speak, and therefore shall not endeavor to speak, as an authority on global conflict, or international security affairs, or the strategic rivalry between the superpowers. I can, however, and shall, speak from my personal experience as a United States citizen, a Latin American, and government official whose island in the Caribbean Sea is one of the coveted prizes.

In passing, I should add here that I am well aware that other such coveted areas include this nation's overseas departments in the Caribbean, namely Guadeloupe and Martinique.

My purpose today, then, will be to review briefly the historical roots of the present hostilities; to examine how and why the Caribbean basin is rapidly becoming a major battleground in the Soviet's imperialist adventures; and to urge your support for measures which can help to prevent Russia and Cuba from achieving their goals in a region of vital importance to the democracies of the free world, and of even more importance to those of us that live there.

At the risk of being accused of exaggeration, I have spoken of a war of conquest in the firm conviction that the term is entirely appropriate: the conflict affects peoples and institutions throughout the planet, and constitutes a systematic attempt to reorder by force, by treachery, and by coercion, the worldwide fabric of social, political, and economic inter-relationships.

House of Representatives

Chamber Action

Bills Introduced: 12 public bills, H.R. 3837–3848; and 2 resolutions, H. Con. Res. 142, and H. Res. 151 were introduced.

Page H2780

Report Filed: One report was filed as follows: Report of the Committee on House Administration entitled "Allocation of Budget Totals by Program" (H. Rept. 97–128).

Page H2780

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Wright as the Speaker pro tempore for today.

Page H2749

Committee Resignation: Read and accepted a letter of resignation from Representative Peyser wherein he resigns from the Committee on Post Office and Civil Service.

Page H2750

Committee Election: Agreed to H. Res. 151, electing Representative Hoyer to the Committees on Banking, Finance and Urban Affairs and Post Office and Civil Service.

Page H2750

Presidential Message—OSHA: Received and read a message from the President wherein he transmits the 1976 calendar year report on occupational safety and health activities of the Department of Labor—referred to the Committee on Education and Labor.

Pages H2750–H2751

Suspensions: House voted to suspend the rules and pass the following:

Export Administration authorization: H.R. 3567, to authorize appropriations for the fiscal years 1982 and 1983 to carry out the purposes of the Export Administration Act of 1979; and

Pages H2753–H2758

Arms control and disarmament authorization: H.R. 3467, to authorize appropriations under the Arms Control and Disarmament Act.

Pages H2758–H2760

Suspensions—Votes Postponed: House completed all debate on motions to suspend the rules and pass the following bills, on which votes were postponed until Tuesday, June 9:

National Telecommunications and Information Administration authorization: H.R. 3240, to authorize appropriations for fiscal year 1982 for the administration of the National Telecommunications and Information Administration; and

Page H2751

Federal Communications Commission authorization: H.R. 3239, to amend the Communications Act of 1934 to authorize appropriations for the administration of such Act, amended.

Pages H2751–H2753

Referral: One Senate-passed measure was referred to the appropriate House committee.

Page H2779

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at noon and adjourned at 1:40 p.m.

Committee Meetings

BUDGET RECONCILIATION

Committee on Banking, Finance and Urban Affairs: Began markup of reconciliation recommendations required under the First Concurrent Budget Resolution.

Will continue tomorrow.

URANIUM ENRICHMENT SERVICES

Committee on Energy and Commerce: On June 5, the Subcommittee on Energy Conservation and Power held a hearing on the recommendations made by the Budget Committee that the formula for establishing the price of uranium enrichment services be based on the fair value concept as opposed to cost recovery. Testimony was heard from William R. Voigt, Jr., Acting Director, Office of Uranium Enrichment and Assessment, Department of Energy; J. Dexter Peach, Director, Energy and Minerals Division, GAO and a public witness.

MEDICAL PROGRAMS

Committee on Energy and Commerce: On June 5, the Subcommittee on Health and the Environment held a hearing on the Administration's Health Care Financing Amendments of 1981, the Senate Finance Committee's proposals to amend the Medicaid program, related legislation, and alternative proposals for achieving savings in the Medicaid program. Testimony was heard from public witnesses.

COMMERCIALIZING UNIVERSITY BIOMEDICAL RESEARCH

Committee on Science and Technology: Subcommittee on Investigations and Oversight and the Subcommittee on Science, Research and Technology held a joint hearing on Commercializing University Biomedical

Research. Testimony was heard from departmental and public witnesses.

Hearings continue tomorrow.

NATIONAL NARCOTICS LAW ENFORCEMENT POLICY

Select Committee on Narcotics Abuse and Control: On June 5, the Task Force on Law Enforcement held a hearing on national narcotics law enforcement policy. Testimony was heard from Representative Hughes and law enforcement officials from various cities.

Joint Meetings

EMPLOYMENT/UNEMPLOYMENT

Joint Economic Committee: On Friday, June 5, committee held hearings on the employment/unemployment figures for the month of May, receiving testimony from Janet L. Norwood, Commissioner of Labor Statistics, Department of Labor.

Also, committee held hearings on certain labor efforts on productivity of the American economy, receiving testimony from Donald Ephlin, United Auto Workers, Detroit, Michigan.

Committee recesses subject to call.

CASH DISCOUNTS

Conferees of the Senate Committee on Labor and Human Resources and House Committee on Energy and Commerce met to resolve the differences with respect to Section 303 of Senate Amendment No. 10, permitting the nomination of a Surgeon General who may be more than 64 years of age, of H.R. 31, permitting merchants to offer unlimited discounts to cash-paying customers, and providing a three-year extension of law prohibiting merchants from penalizing credit card customers by imposing surcharges made by credit cards, did not complete action thereon, and will meet again on Monday, June 15.

NEW PUBLIC LAW

(For last listing of Public Laws, see DAILY DIGEST, P. D.637)

H.R. 3512, appropriating supplemental funds for the fiscal year ending September 30, 1981, and rescinding certain budget authority. Signed June 5, 1981. (P.L. 97-12)

COMMITTEE MEETINGS FOR TUESDAY, JUNE 9, 1981

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on the District of Columbia, to resume hearings on proposed budget estimates for fiscal year 1982 for the District of

Columbia government, 2 p.m., 1114 Dirksen Office Building.

Committee on Banking, Housing, and Urban Affairs, business meeting, to mark up S. 1160, authorizing funds through fiscal year 1986 for the Urban Mass Transportation Administration, and other pending calendar business, 9:30 a.m., 5302 Dirksen Office Building.

Committee on Commerce, Science, and Transportation, to hold hearings on the nomination of Reese H. Taylor, Jr., of Nevada, to be a Member of the Interstate Commerce Commission, and Bernard J. Wunder, Jr., of Virginia, to be Assistant Secretary of Commerce for Communications and Information, 10 a.m., 235 Russell Office Building.

Committee on Environment and Public Works, to resume oversight hearings on the implementation of the Clean Air Act, 10 a.m., 6226 Dirksen Office Building.

Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, to hold hearings on the Consular Convention with the People's Republic of China, 9 a.m., 4221 Dirksen Office Building.

Committee on Governmental Affairs, to hold hearings on S. 1120, proposed Waste, Fraud and Abuse Reduction Act, 10 a.m., 3302 Dirksen Office Building.

Committee on the Judiciary, business meeting, to consider S. 114, establishing criteria for the imposition of the death penalty for Federal crimes, and other pending calendar business, 3 p.m., 2228 Dirksen Office Building.

Committee on Labor and Human Resources, business meeting, to consider recommendations which it will make to the Budget Committee on changes in law to achieve cost savings required by the committee's reconciliation instructions pursuant to H. Con. Res. 115, the First Congressional Budget Resolution, 1 p.m., 4232 Dirksen Office Building.

Select Committee on Intelligence, Closed briefing on intelligence matters, 1:30 p.m., Room S-407, Capitol.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E2804-E2807 in today's Record.

House

Committee on Agriculture, to continue to consider reconciliation measures to meet requirements of the Budget Resolution and to mark up H.R. 1309, to provide grants to the 1890 land grant colleges, including Tuskegee Institute, for the purpose of assisting these institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the food and agricultural sciences, 10 a.m., 1301 Longworth.

Committee on Appropriations, Subcommittee on Defense, executive, on Rapid Deployment Force, 10 a.m. and 1:30 p.m. H-140 Capitol.

Committee on Banking, Finance and Urban Affairs, to continue to mark up Budget Reconciliation measure, 9:30 a.m., 2128 Rayburn.

Committee on Energy and Commerce, Subcommittee on Fossil and Synthetic Fuels, to markup legislation pertaining to the financing of the Strategic Petroleum Reserve, 10 a.m., and to continue hearings on the availability of

ties as prepared by the Secretary of Labor of the previous administration.

RONALD REAGAN.

THE WHITE HOUSE, June 5, 1981.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, shall be taken on Tuesday, June 9, 1981.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION AUTHORIZATION

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3240) to authorize appropriations for fiscal year 1982 for the administration of the National Telecommunications and Information Administration.

The Clerk read as follows:

H.R. 3240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated for the administration of the National Telecommunications and Information Administration \$16,467,000, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1982.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes, and the gentleman from Texas (Mr. COLLINS) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3240 authorizes \$16.467 million in fiscal year 1982 for the National Telecommunications and Information Administration. NTIA is an agency within the Department of Commerce responsible for such matters as authorizing Federal radio frequencies; analyzing and assisting in the formulation of domestic telecommunications and information policy; conducting technical research in telecommunications; and working with other executive agencies on international telecommunications and information policy.

H.R. 3240 was unanimously reported by the Committee on Energy and Commerce, and provides the level of funding for NTIA recommended by the administration.

NTIA is not currently subject to periodic authorizations, or to the regular congressional oversight that attends the authorization process. By establishing the precedent of a determinate authorization for NTIA, H.R. 3240 vastly improves the likelihood that Congress will systematically scrutinize agency performance. Such oversight is essential to sound management and policymaking, and will better enable us to review and determine agency priorities.

Mr. COLLINS of Texas. Mr. Speaker, I join with the chairman of our subcommittee, the gentleman from Colorado (Mr. WIRTH) in fully supporting H.R. 3240 which authorizes the budget for the National Telecommunications and Information Agency. It is in keeping with the figure recommended by the administration and can be fairly characterized as no frills. For fiscal year 1982 NTIA is authorized a modest \$16.5 million. It was voted unanimously from subcommittee and full committee.

Even at this trim level of funding, I believe that NTIA can fulfill its statutory mandate. Briefly, NTIA is charged with formulating policies to support development and growth of the telecommunications and information industries. Support is also given to a host of other industries that have sprung from telecommunications and information technologies. This is one of the few agencies that does not take an adversarial approach toward business, but actually provides assistance.

NTIA is vital to our technological future, and is a necessary part of maintaining America's leadership in the highly competitive communications field. Throughout the world our competitors have strong backing from their governments, enabling their home industries to make great gains on the United States. NTIA performs this function for U.S. industry in the information and telecommunications field. It is for this reason that I look so favorably on NTIA and urge my colleagues to vote for the bill.

Mr. Speaker, I would like to add one or two important facts about NTIA. It was established in 1978, when the White House Office of Telecommunications Policy was abolished and most of its functions were consolidated with those of the Commerce Department's Office of Telecommunications. NTIA has performed many valuable, essential functions. One of them has been coordinating in the field of facilities.

I was most interested to learn that the Congressional Budget Office has estimated that although it now asks for a budget figure of \$16.5 million, year by year in the future they are looking for a decrease. In 1983 they are hoping that this agency will be down to a \$3 million budget and in 1984 down to a \$1.7 million budget. In other words, they are anticipating that they can cut this agency by 83 percent.

We have made another strong improvement in the manner that we now have an annual review, and as we move forward in the Reagan administration toward budget reductions and Government savings, this will be a material and a constructive move for the entire country.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Texas. Mr. Speaker, I have no further requests for time.

Mr. WIRTH. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the bill, H.R. 3240.

The question was taken.

Mr. COLLINS of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1981

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3239) to amend the Communications Act of 1934 to authorize appropriations for the administration of such Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3239

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Communications Commission Authorization Act of 1981".

"AUTHORIZATION OF APPROPRIATIONS"

SEC. 2. (a) The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 5 the following new section:

AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There is authorized to be appropriated for the administration of this Act by the Commission \$77,351,000, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1982."

(b) Section 4(g) of the Communications Act of 1934 (47 U.S.C. 154(g)) is amended by striking out "from time to time may be appropriated for by Congress" and inserting in lieu thereof "may be appropriated for by the Congress in accordance with the authorizations of appropriations established in section 6".

IMPOSITION OF FEES

SEC. 3. Title IV of the Communications Act of 1934 (47 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new section:

"IMPOSITION OF FEES"

"Sec. 417. (a)(1) The Commission shall impose a fee upon any person regulated by the Commission under this Act. Such fee shall be based upon—

"(A) in the case of a license application, any costs incurred by the Commission in connection with processing such application;

"(B) in the case of a tariff filed by a common carrier, any costs incurred by the Commission as a result of such filing;

"(C) in the case of any application for a construction permit, for an equipment approval or authorization, or for any certification issued by the Commission, and in the case of any petition for the waiver of any rule or for other relief, any costs incurred by the Commission as a result of any such application or petition; and

"(D) any costs incurred by the Commission which are directly or indirectly attributable to the regulation of such person, including the cost of providing any service necessarily rendered by the Commission to a licensed applicant as a result of such application.

"(3) No portion of the fee specified in paragraph (1) may be based upon—

"(A) the value to the person involved of any license issued to such person by the Commission or any service performed for such person by the Commission;

"(B) any public policy assessment made by the Commission with respect to the regulation of such person; or

"(C) any estimate by the Commission of the value to the general public which results from the regulation of such person.

"(3) The total amount of funds which the Commission may receive through the imposition of fees under this subsection for any fiscal year may not exceed 50 percent of the amount appropriated by the Congress under section 6 for such fiscal year.

"(b) The Commission may waive the fee specified in subsection (a), in the case of governmental entities, public telecommunications entities, and noncommercial users of the electromagnetic spectrum, if the Commission determines that any such waiver is in the public interest. The Commission also may waive any such fee which is less than \$100.

"(c) The Commission shall develop appropriate fee schedules not later than 90 days after the date of the enactment of the Federal Communications Commission Authorization Act of 1981. The Commission shall use such schedules in assessing fees under subsection (a).

"(d) The Commission may prescribe by regulation an additional charge which may be assessed as a penalty for late payment of any fee assessed under subsection (a). Such penalty shall not exceed 25 percent of the fee involved.

"(e) Moneys received by the Commission as a result of the assessment of fees under subsection (a) shall be deposited by the Commission in the general fund of the Treasury of the United States as reimbursement to the United States for amounts appropriated for use by the Commission in carrying out the provisions of this Act."

UNIFORM SYSTEM OF ACCOUNTS

Sec. 4. (a)(1) The Federal Communications Commission (hereinafter in this section referred to as the "Commission") shall complete the rulemaking proceeding relating to the revision of the uniform system of accounts used by telephone companies (Common Carrier Docket 78-196; notice of proposed rulemaking adopted June 28, 1978, 43 Federal Register 33560) as soon as practicable after the date of the enactment of this Act.

(2) Such uniform system shall require that each common carrier shall maintain a system of accounting methods, procedures, and techniques (including accounts and supporting records and memoranda) which shall ensure a proper allocation of all costs to and among telecommunications services, facilities, and products (and to and among classes of such services, facilities, and products) which are developed, manufactured, or offered by such common carrier.

(b) The Commission shall submit a report to each House of the Congress not later than one year after the date of the enactment of this Act. Such report shall include a summary of actions taken by the Commission in connection with the rulemaking proceeding specified in subsection (a), together with such other information as the Commission considers appropriate.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes, and the gentleman from Texas (Mr. COLLINS) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3239 authorizes \$77,351 million in fiscal year 1982 for the Federal Communications Commission. The bill was unanimously reported by the Committee on Energy and Commerce as was the previous bill, and provides the level of funding for the FCC recommended by the Reagan administration.

Since its creation in 1934, the FCC has had a permanent or continuing authorization. H.R. 3239 amends the Communications Act of 1934 to replace the FCC's permanent authorization with a periodic authorization. By establishing the precedent of a determinate authorization for the FCC, H.R. 3239, as does the previous legislation, vastly improves the likelihood that agency performance will be subject to regular congressional scrutiny and oversight.

FCC oversight is especially important today—given the telecommunications industry's rapidly developing technology, and the attendant expansion of its products, services, and markets. As chairman of the Subcommittee on Telecommunications, Consumer Protection, and Finance, I have pledged quarterly hearings to review FCC activities and priorities, and in that we have received extraordinarily strong cooperation from the new Chairman of the FCC and his staff.

H.R. 3239 also requires the FCC to recover administrative expenses by imposing fees on those parties it regulates under the Communications Act of 1934. The Congressional Budget Office estimates that the fees will generate \$31 million in receipts in fiscal year 1982—a small but firm step toward our concern shared by the gentleman from Texas (Mr. COLLINS) for fiscal responsibility.

The Commission's authority to collect fees is not unlimited, however.

Total funds received by the FCC as the result of the imposition of fees may not exceed 50 percent of the FCC's appropriations in any fiscal year. As the result of an amendment to the bill unanimously adopted in the subcommittee, the FCC is directed to waive fees for Government entities, public telecommunications entities, and noncommercial users of the spectrum. The Committee on Energy and Commerce believes that when appropriate the Federal Government should be reimbursed for services rendered.

The fees proposed in H.R. 3239 are nothing more than user fees based upon the costs incurred by the FCC in connection with such activities as processing license applications or tariff filings. H.R. 3239 specifically provides that no portion of any fee imposed under this legislation may be based upon a licensee's value to a particular user of the spectrum. That is a very important provision, Mr. Speaker.

Finally, H.R. 3239 directs the FCC to complete its rulemaking proceedings to revise the uniform system of accounts used by telephone companies. The committee believes the Commission must give priority to implementing a revised system of accounts—an effort that has been pending at the FCC for almost 5 years. As the telecommunications industry becomes more competitive, it is essential that common carriers maintain an accounting system that properly allocates costs to and among the various services, facilities, and products they offer. Such accounting, Mr. Speaker, is essential as we move into a rewrite of the Communications Act of 1934 and try to understand the flow of funds within the industry.

Mr. Speaker, H.R. 3239 enjoys the full support of the Committee on Energy and Commerce. In bringing this bill from subcommittee, through committee, and now to the floor, I have worked closely with the distinguished ranking minority member of the Subcommittee on Telecommunications, the gentleman from Texas (Mr. COLLINS). I appreciate his valuable assistance and support, as well as that of the gentleman from Ohio (Mr. BROWN) and that of the gentleman from North Carolina (Mr. BROYHILL).

Mr. Speaker, I reserve the remainder of my time.

Mr. COLLINS of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. COLLINS of Texas asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. COLLINS of Texas. Mr. Speaker, I join with the chairman of the subcommittee, the gentleman from Colorado (Mr. WIRTH), in recommending and commending this Authorization Act.

The budget figures contained in H.R. 3239 are in keeping with the recommendations made by the President.

More specifically, the FCC will achieve a \$4.8 million reduction from the estimates of the previous administration.

I would like to repeat that. We are going to provide a \$5 million cut on the previous administration's original budget. Government economy is first in the minds of the voters, and the independent agencies will have to learn to live with less money. I am proud that the Committee on Energy and Commerce and the Subcommittee on Telecommunications are setting the pace for the other branches of Government here in Washington.

This bill, however, is more than a straight reauthorization. For good reasons, several fundamental changes in FCC operations have been made, and I would like to talk about them for a moment.

First, and most important, no longer will the FCC have a permanent or a continuing reauthorization. So much has changed in the telecommunications field and its companion industries that FCC policies and priorities are in need of a regular and annual review. Unprecedented expansion of the telecommunication industries, new markets, services and products, vigorous competition, and daily scientific breakthroughs make periodic committee surveillance of FCC activities imperative. Our subcommittee hearings disclosed that the FCC needs direction, needs guidance, needs legislation, and needs leadership from us in helping to establish program priorities. Regular oversight through the reauthorization process, as all of us know in Congress, is necessary, and nothing brings everybody's attention to spending more forthrightly than when we go through the reauthorization process. Markup will serve as a catalyst in this respect.

Another important improvement has to do with the establishment of a fee structure. It is designed so that the FCC can recover regulatory expenses by the imposition of fees. Such fees will be deposited in the general funds of the Treasury, and that will thereby contribute to a reduction in the Federal deficit.

Furthermore, we are compelled to take the legislative route in the formulation of the fee structure because the FCC tried and failed to do so several times under its inherent regulatory authority.

I would like to say that this fee matter goes back to the year 1963 or sometime in the 1960's, but finally in 1976 the Supreme Court ruled that FCC could not assess fees; that they did not have the authority. This is something that has come up for congressional attention and something we commend because it is a step forward. Each time fees have been challenged in court, the FCC lost, and it has been a tremendous waste of the taxpayers' dollars going through all this court litigation. Wisely the FCC has now

sought to establish the fee structure through legislation.

□ 1230

In closing, I would like to urge to suspend the rules and vote for this bill. It is something that was passed unanimously out of our subcommittee. It was passed unanimously out of the full committee. It solves several problems. It solves them for the FCC, that can be translated into greater Government efficiency and a reduced cost to taxpayers.

I would like to emphasize two things that are in this bill. The first one, instead of having a permanent authorization, we are having an annual authorization, which means every year Congress will have the responsibility of completely reviewing the FCC operation.

The second thing, which has very definite merit, is to bring in the subject of fees as an administrative expense.

Now, very wisely, these fees have been limited to 50 percent of the FCC expense structure. In other words, we know that about 50 percent, about half of their FCC time, is spent on this type of operation, so it is not to overburden industry, because what this is, this is reimbursement for review. This is not a tax. I want to repeat that with emphasis. This is not a tax, this is not a tax. This is a fee to provide for reimbursement for services that the Government provides at the time that they review the different applications. It states in here, what we require for a license application in the way of processing costs and no portion of any fee may be based on extraneous material.

This is very important. We are calling on the FCC within 90 days to establish a sound structure, to come up with fair and equitable arrangements for what will be the fee arrangement. The bill requires that fees be based upon:

For a license application, processing cost;

For a tariff filed by a common carrier, costs incurred as a result of the filing;

For a construction permit, equipment approval or authorization, certification, or any petition for relief, costs incurred as a result of the requested action; and

Any costs incurred by the FCC that are attributable to regulation, including the cost of any services rendered to a license applicant.

No portion of any fee may be based upon:

The value to the person involved of any license issued or any service performed by the FCC;

Any public policy assessment made by the FCC; or

Any estimate by the FCC of the value to the general public which results from the commission's regulation.

I commend this bill. I think it is an excellent piece of legislation.

Mr. COLLINS of Texas. Mr. Speaker, I have no further requests for time.

Mr. WIRTH. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspended the rules and pass the bill, H.R. 3239, as amended.

The question was taken.

Mr. COLLINS of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3239 and H.R. 3240.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1981

Mr. BINGHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3567) to authorize appropriations for the fiscal years 1982 and 1983 to carry out the purposes of the Export Administration Act of 1979, and for other purposes.

The Clerk read as follows:

H.R. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Administration Amendments Act of 1981".

Sec. 2. (a) Section 18(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2417(b)(1)) is amended to read as follows:

"(1) \$9,659,000 for each of the fiscal years 1982 and 1983; and".

(b) The amendment made by subsection (a) shall take effect on October 1, 1981.

Sec. 3. Section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)) is amended by adding at the end thereof the following:

"(3) Notwithstanding any other provision of law, no department or agency may withhold confidential information from any other department or agency with enforcement responsibilities under this Act which requests that information in any case in which the information is considered by the department or agency requesting the information to be necessary for the enforcement of this Act. Any such department or agency requesting such confidential information shall be subject to the same statutory restrictions on disclosing the information to other persons as is the department or agency from which the information is requested. The provisions of this paragraph shall not apply to information subject to the restrictions set forth in section 9 of title 18, United States Code."

SEC. 4. (a) Section 11(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410(b)(1)) is amended by striking out "purposes," and all that follows through the period at the end thereof and inserting in lieu thereof the following: "purposes—

"(A) except in the case of an individual, shall be fined not more than five times the value of the exports involved or \$1,000,000, whichever is greater; and

"(B) in the case of an individual, shall be fined not more than \$250,000, or imprisoned not more than 10 years, or both."

(b) Section 11(b)(2) of that Act (50 U.S.C. App. 2410(b)(2)) is amended by striking out "Defense," and all that follows through the period at the end of the first sentence and inserting in lieu thereof the following: "Defense—

"(A) except in the case of an individual, shall be fined not more than five times the value of the exports involved or \$1,000,000, whichever is greater; and

"(B) in the case of an individual, shall be fined not more than \$250,000, or imprisoned not more than 5 years, or both."

(c) Section 11(c)(1) of that Act (50 U.S.C. App. 2410(c)(1)) is amended—

(1) by striking out "not to exceed \$10,000"; and

(2) by adding at the end thereof the following new sentence: "The civil penalty for each such violation may not exceed \$10,000 in the case of an individual and may not exceed \$100,000 in the case of any person other than an individual."

(d) The amendments made by this section apply with respect to violations occurring after the date of the enactment of this Act.

SEC. 5. Section 6(f) of the Export Administration Act of 1979 (50 U.S.C. 2405(f)) is amended—

(1) in the subsection caption by inserting "AND FOR CERTAIN FOOD EXPORTS" immediately after "SUPPLIES";

(2) by inserting the following immediately after the first sentence: "Before export controls on food are imposed, expanded, or extended under this section, the Secretary shall notify the Secretary of State in the case of export controls applicable with respect to any developed country and shall notify the Director of the United States International Development Cooperation Agency in the case of export controls applicable with respect to any developing country. The Secretary of State with respect to developed countries, and the Director with respect to developing countries, shall determine whether the proposed export controls on food would cause measurable malnutrition and shall inform the Secretary of that determination. If the Secretary is informed that the proposed export controls on food would cause measurable malnutrition, then those controls may not be imposed, expanded, or extended, as the case may be, unless the President determines that those controls are necessary to protect the national security interests of the United States, or unless the President determines that arrangements are insufficient to ensure that the food will reach those most in need. Each such determination by the Secretary of State or the Director of the United States International Development Cooperation Agency, and any such determination by the President, shall be reported to the Congress, together with a statement of the reasons for that determination."

(3) in the next to the last sentence by striking out "supplies," and inserting in lieu thereof "supplies or of food"; and

(4) in the last sentence by inserting immediately before the period "or to any export control on food which is in effect on the date of the enactment of the Export Administration Amendments Act of 1981".

SEC. 6. (a) Section 9 of the International Investment Survey Act of 1976 (22 U.S.C. 3108) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 9. There are authorized to be appropriated to carry out this Act \$3,842,000 for each of the fiscal years 1982 and 1983."

(b) The amendment made by subsection (a) shall take effect on October 1, 1981.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. BINGHAM) will be recognized for 20 minutes, and the gentleman from California (Mr. LAGOMARSINO) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the purpose of H.R. 3567 is to authorize funding of \$9,659,000 for each of the fiscal years 1982 and 1983 to carry out the Export Administration Act of 1979, which is the basic authority for restricting exports from the United States for reasons of national security, foreign policy, or short domestic supply.

The bill also contains two provisions to strengthen enforcement of the act. The Subcommittee on International Economic Policy and Trade, which I have the honor to chair, has reviewed extensively the problem of diversion of controlled technology to the Soviet Union and Eastern European countries. In order to assure that the penalties under the act constitute a sufficient deterrent to violations, criminal and civil penalties are increased. The bill also provides for improved sharing of information among Government agencies with respect to enforcement efforts.

H.R. 3567 also restricts the President's authority to impose embargoes on food for foreign policy purposes, where the result of the embargo would be malnutrition. The amendment does not apply to food embargoes for national security reasons or food embargoes pursuant to the International Emergency Economic Powers Act; also, it would not apply in situations where the President determines that the food would not reach hungry people.

This bill also authorizes funding of \$3,842,000 for each of the fiscal years 1982 and 1983 to carry out the International Investment Survey Act of 1976, which authorizes collection by the Commerce and Treasury Departments of data on foreign investment.

Mr. Speaker, this legislation makes no substantive changes in policies or procedures for restricting exports for national security and foreign policy reasons. The Members of the House will recall that we had very extensive reexamination of our export control policy and procedures in 1979, and we substantially revised the Export Administration Act at that time. So the legislation now before the House is, I believe, noncontroversial. It simply provides funding authority to carry

out our export controls for the 2 years remaining before the Export Administration Act itself expires and will require review and renewal. I urge the House to adopt H.R. 3567.

Mr. Speaker, I yield such time as he may require to the chairman of the full committee, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

(Mr. ZABLOCKI asked and was given permission to revise and extend his remarks.)

Mr. ZABLOCKI. I rise in support of H.R. 3567.

This bill is a simple authorization of funds for the Export Administration Act and for the International Investment Survey Act. In addition, it raises the penalties for violation of the Export Administration Act and facilitates the sharing of information among Government agencies.

The Export Administration Act is the principal source of authority for the imposition of export controls for purposes of national security, foreign policy, and short supply. It therefore is an important source of Executive power in dealing with international and domestic economic problems.

The International Investment Survey Act authorizes and funds the collection and analysis of data on foreign investment in the United States and of U.S. investment overseas. It is the principal source of maintaining current data on these investments and therefore of keeping abreast of developments in this area.

I commend the gentleman from New York (Mr. BINGHAM) for the responsible manner in which his subcommittee has exercised its jurisdiction over these two areas, and also wish to commend the ranking member of the subcommittee, the gentleman from California, Congressman ROBERT LAGOMARSINO for his contribution. I urge the bill be passed.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may use.

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 3567, the Export Administration Amendments Act of 1981.

When we took up the Export Administration Act of 1979, it took us 4 days of lengthy and thorough deliberation to reach final passage of the act. That we are now able to consider this same act under suspension of the rules is a tribute, I believe, to the validity of our action 2 years ago. We had to reach some difficult compromises on a number of policies. From our subcommittee's review this year of those issues, I believe the administration and those of us in Congress are satisfied that both for strengthened national security controls and for easing unnecessary export restrictions, we have accomplished our goals. Those